



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 2

Meeting Date: April 2, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Paolo Romero, Code Enforcement Officer

promero@lemongrove.ca.gov

Item Title: **Code Enforcement Hearing Officer Reappointment**

Recommended Action: Adopt Resolution reappointing Code Enforcement Hearing Officers for a three year term to expire April 2022.

Summary:

April 5, 2016, City Council appointed Code Enforcement Hearing Officers (3) to preside over citation hearings, review evidence, and make an unbiased judgment. Appointees are not required to be Lemon Grove residents and the distance in which the candidate resides may be a consideration factor in determining his or her ability to attend appeal hearings. The appointees must be able to conduct a hearing, analyze the City's Municipal Code, weigh evidence and make unbiased judgements based on evidence and testimony presented. Appointees must meet all the requirements outlined in the Lemon Grove Municipal Code and Administrative Citation Procedures Manual section IV Appeal of Administrative Citations.

Hearing Officers are appointed by the City Council for a three (3) year term. Upon appointment the City Manager is charged with selecting randomly a hearing officer prior to setting the date of any appeal hearing.

The hearing officer is compensated \$75 per appeal hearing. The compensation amount is for travel, preparation time, conducting the hearing, and preparing the written decision. There will be no additional payment in the event the hearing officer is requested to testify at a court proceeding. In the event the hearing is canceled after the Notice of Hearing has been established, the hearing officer will be compensated \$40. In the event the hearing officer is disqualified or recuses himself/herself, no compensation shall be paid.

The terms of the three (3) Code Enforcement Hearing Officers appointed in 2016 are due to terminate in April 2019. Staff has contacted all three (3) current Officers to determine whether they were interested in continuing service if reappointed by the City Council. All three (3) Officers are interested in being reappointed if that is the City Council's determination.

Should the City Council choose not to reappoint the Officers, the City Council would need to direct the City Clerk to advertise the vacancies and an appointment process would be conducted at a future meeting.

Current Code Enforcement Hearing Officers:

1. Franco Del Rosario
2. Katie Dexter
3. Anthony Jemison

Pending Administrative Citation Hearing Currently schedule for April 10, 2019.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section [] | <input type="checkbox"/> Mitigated Negative Declaration |

Fiscal Impact: None.

Public Notification: None.

Staff Recommendation: **Staff is recommending that the three current hearing officers be reappointed, if the one member relocates the City Clerk can post a vacancy at that time and the item would return to Council for appointment process.** Adopt Resolution reappointing Code Enforcement Hearing Officers for three year term to expire April 2022.

Attachment:

Attachment A – Resolution

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, REAPPOINTING CURRENT CODE ENFORCEMENT HEARING
OFFICERS FOR A THREE YEAR TERM TO END APRIL 2022**

WHEREAS, March 19, 2019, City Council authorized staff to conduct recruitment of Code Enforcement Hearing Officers for Citation Appeal Hearings; and,

WHEREAS, April 5, 2016, City Council appointed three (3) Code Enforcement Hearing Officers for a term of three years; and,

WHEREAS, City Council is reappointing the same three Code Enforcement Hearing Officers for a new term of three years to expire April 2022.

1. Franco Del Rosario
2. Katie Dexter
3. Anthony Jemison

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby approves the reappointment.

PASSED AND ADOPTED on _____, 2019, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest: Shelley Chapel, MMC, City Clerk

Approved as to Form: Kristen Steinke, City Attorney